



THE CITY OF SAN DIEGO

## REPORT TO THE HEARING OFFICER

HEARING DATE: April 6, 2005

REPORT NO. HO-05-070

ATTENTION: Hearing Officer

SUBJECT: 4659 PESCADERO MAP WAIVER  
PROJECT NUMBER: 60257

LOCATION: 4659-4661 Pescadero Avenue

APPLICANT: Linda Perine/ Owner

### SUMMARY

Requested Action - Should the Hearing Officer approve Coastal Development Permit (CDP No. 178047) and Map Waiver No. 178048 to waive the requirements for a Tentative Map to convert two existing residential units to condominiums and waive the requirement to underground existing overhead utilities?

### Staff Recommendations –

1. APPROVE Coastal Development Permit No. 178047 and Map Waiver 178048.
2. APPROVE waiver of the requirement to underground existing overhead utilities.

Community Planning Group Recommendation – The Ocean Beach Planning Board voted 8-0-0 to recommend approval of the proposed project on March 2, 2005 with two conditions (Attachment 7).

Environmental Review – The project has been determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(k) of the State CEQA Guidelines.

### BACKGROUND

The project site consists of two for-rent residential units in two separate buildings. The project is located at 4659-4661 Pescadero Avenue, on a 0.16-acre site, in the RM-1-1 Zone (Residential-Multiple Unit), Coastal Overlay Zone (non-appealable area), and Coastal Height Limit Overlay Zone. The site is also located within the Ocean Beach Emerging Cottage Historic District and the Ocean Beach Precise Plan and Local Coastal Program (Attachment 1). The site is designated

within the Ocean Beach Community Plan for multi-family residential land use (Attachment 2). The property is located in the Coastal Overlay Zone (Attachment 3); therefore the subdivision requires a Coastal Development Permit.

The project application was deemed complete on January 1, 2005, after the adoption of the Inclusionary Housing Ordinance. Therefore, the proposed project is subject to the amended regulations. The project is also subject to the condo conversion ordinance.

## DISCUSSION

The site is a level 6,980-square-foot rectangular lot consisting of two for-rent residential units in two separate buildings. The site is currently zoned RM-1-1 (multiple unit residential zone) permitting one unit per 3,000-square-foot of lot area. The RM-1-1 zone was applied in January 2000. The site was previously zoned in April 1930 as R-2, which allowed two residential units. The original two units were constructed in 1978 when the site was zoned R-2. The buildings contain one three-bedroom unit, for a total of 2,385-square-feet, and one two-bedroom unit, for a total of 884-square-feet. This project provides six parking spaces: four enclosed garages, and two off-street open spaces; however, under current regulations, the project would require four spaces: the one three-bedroom unit requires (2.25) spaces & the one two-bedroom unit requires (2) spaces in accordance with LDC-Table 142.05C. The existing four parking spaces are required to remain on site in accordance with LDC Section No. 142.0510.

This project is a request to waive the requirement of the Tentative Map for the subdivision of a 0.16-acre site into one lot to convert two existing residential rental units to condominium units which will allow the sale of each unit. Additionally, the project requests a waiver from the requirement to underground the existing overhead utilities adjacent to the project site. This type of development is consistent with the General Plan and the Ocean Beach Precise Plan, which designate the area for multi-family residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

No new construction or grading will take place under Coastal Development Permit No. 178047 and Map Waiver No. 178048, nor are there any known Building or Zoning Code violations of record against this property. Future expansion or redevelopment of the project site would be subject to review under these regulations as outlined in Chapter 13, Article 2, Divisions 2, 3, 4, 5 and 8 of the Municipal Code.

### Affordable Housing:

The project is subject to the Inclusionary Housing regulations and the condo conversion ordinance. To meet the requirements of the inclusionary ordinance, prior to receiving a parcel map, the applicant must either pay the entire in-lieu fee amount or enter into an agreement with the San Diego Housing Commission to assure the payment of the in-lieu fee.

### Community Planning Group Recommendation

The Ocean Beach Community Planning Board recommended approval of the proposed project with two recommended conditions: 1) the utilities are undergrounded from pole to property; 2) the CC&R includes that three parking spaces be allocated to each unit. Staff is in support of the undergrounding of the utilities because it is consistent with council policy 600-25 as described below. This Coastal Development Permit No. 178047 and Map Waiver No. 178048 are only for the condominium conversion; no new construction will take place with this action. The permit requires that the four garages remain on the site and be available for parking as required by the current code.

### Undergrounding Waiver Request

The project currently contains overhead utility lines. The applicant has requested a waiver of undergrounding existing overhead public utilities per San Diego Municipal Code Section 144.0240 and Council Policy 600-25. The waiver is only for existing overhead utilities. Any future utilities would be required to be undergrounded. Staff has evaluated the request and has determined it would represent an isolated undergrounding and the request meets the criteria in Council Policy 600-25. The City's Undergrounding Master Plan for Fiscal Year 2005 designates the site within Block 2Q and is proposed to be undergrounded in Fiscal Year 2010 (Attachment 4).

### Noticing:

California State Law and the City's Municipal Code require that all tenants living within a proposed condominium conversion project, and all persons applying for a rental unit within such a project, must receive adequate notice (see California Government Code Section 66427.1 and San Diego Municipal Code Sections 125.0431 and 125.0640).

The two units are currently occupied; all tenants had been adequately noticed.

Government Code 66452.3, requires that a copy of the staff report be served to each tenant, on each lease 72-hours (3 calendar days) prior to the Hearing Officer hearing. This requirement will be fulfilled on or before April 3, 2005.

### CONCLUSION

Staff has reviewed the request for a Coastal Development Permit and a Map Waiver to waive the requirements for a Tentative Map for the subdivision of land for the conversion of two residential units into a condominium project, including the request to waive the requirement to underground existing overhead utilities. Staff has determined the project is in conformance with the applicable sections of the San Diego Municipal Code regulating Map Waivers and Council Policy 600-25 regulating undergrounding of existing overhead utilities. The development as conditioned, meets all applicable regulations set forth in the RM-1-1 Zone, the Ocean Beach Precise Plan and the required findings can be supported (Attachment 5). Therefore, staff

recommends approval of Coastal Development Permit No. 178047 and Map Waiver No. 178048, including the Waiver from Undergrounding existing utilities, with the attached conditions.

ALTERNATIVE

1. Approve Map Waiver No. 178048 and Coastal Development Permit No. 178047, with modifications.
2. Deny Map Waiver No. 178048 and Coastal Development Permit No. 178047, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

---

Laila Iskandar, Development Project Manager

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. City's Undergrounding Master Plan for Fiscal Year 2004, Block 2Q
5. Draft Permit with Conditions
6. Draft Resolution with Findings
7. Community Planning Group Recommendation
8. Ownership Disclosure Statement
9. 60 Day Notice

Job Order Number 42-3879